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# **DEFENCE OF CANADA REGULATIONS**



OTTAWA  
J. O. PATENAUME, I.S.O.  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1638



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# DEFENCE OF CANADA REGULATIONS

OTTAWA

J. O. PATENAUME, I.S.O.  
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1939

# COMMITTEE ON EMERGENCY LEGISLATION

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## First Report

### 1. Authority for the Committee's Institution

The standing interdepartmental Committee on Emergency Legislation was set up under the authority of a Minute of Council, P.C. 531, dated 14th March, 1938.

### 2. Composition

The Committee is composed as follows:—

#### CHAIRMAN

Mr. C. P. Plaxton, K.C. .... Department of Justice.

#### MEMBERS

Mr. R. S. Hamer..... Department of Agriculture.

Mr. J. E. Read, K.C. .... Department of External Affairs.

Mr. M. H. Wershof ..... Department of External Affairs.

Dr. W. C. Clark..... Department of Finance.

Mr. W. M. Dickson..... Department of Labour.

Col. R. J. Orde..... Department of National Defence.

Col. M. A. Pope..... Department of National Defence.

Mr. A. W. Merriam..... Department of National Revenue.

Mr. F. E. Jolliffe..... Post Office Department.

Insp. C. E. Rivett-Carnac.... Royal Canadian Mounted Police.

Mr. W. P. J. O'Meara, K.C. .... Department of Secretary of State.

Mr. F. E. Bawden..... Department of Trade and Commerce.

Mr. J. Fortier..... Department of Transport.

#### SECRETARY

Mr. J. F. MacNeill, K.C. .... Department of Justice.

### 3. *Terms of Reference*

The Committee's terms of reference are:—

"To inquire into and report upon the whole question of legislation required in the event of war, or emergency real or apprehended";

these terms being expressly subject to the following general instruction set forth at the outset of the above-mentioned Minute of Council, namely:

"that it is expedient in the public interest to institute standing interdepartmental committees to inquire into and report upon the practical problems concerning Canada which might arise in time of war or emergency, real or apprehended, and the measures to be taken in the event of a decision being duly reached at the time that war or emergency measures be taken on behalf of Canada."

### 4. *War Measures Act*

Pursuant to our terms of reference we have surveyed the position as regards the legislation which would be required in the event of grave emergency and we have reached conclusion that little in the way of special legislation in Parliament will be required. Under the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, the Governor in Council "May do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada;". It is clear, therefore, that this statute confers upon the Executive ample authority to take pretty well whatever action might be found to be necessary to meet the exigencies of war or other emergency. There is, however, one specific exception to this general rule, namely, Finance.

### 5. *Finance Legislation*

It seems clear that the defensive measures which would require to be taken in the event of an outbreak of war would immediately give rise to a need for specific legislation of a financial nature. We understand that the Department of Finance is examining this aspect of the question.

### 6. *Defence Regulations*

It will be evident that in the event of war or grave emergency extraordinary measures will be required to enable defence (both internal and external) and the general administration of the country's business to be effectively carried out. The powers under which the Government Service functions in time of peace will be found to be quite inadequate to cope with the conditions met with

on every hand in time of war. At such a time the public interest will require that many restrictions be imposed upon the Community with respect to such matters as internal security and the prevention of sabotage, the treatment of aliens, the control of means of communication, the safeguarding of information likely to be useful to the enemy, the control of trade, shipping, civil aviation, transport and so on. With respect to these and other heads the effective management of the country's business will require the delegation of the necessary powers to the Ministers respectively responsible therefor. Such in any event was the experience in 1914-1918 and we have been informed by the several Departments of the Government that in the circumstances contemplated similar powers will again be necessary.

#### *7. Defence of Canada Order, 1917*

From the very outset of the Great War, many measures respecting defence were taken by means of Orders in Council. The number of these separate instruments in force steadily grew as time went on with the result that after awhile their administration became a matter of singular complexity. As a result some fifty of the more important regulations contained in these Orders were consolidated into one single Order, known as the "Defence of Canada Order, 1917." It subsequently underwent several revisions and lapsed with the close of the War.

#### *8. Defence of Canada Order, 1938*

When a critical international situation arose toward the end of September, 1938, the Committee had not completed the survey to which reference has been made above. The urgency of the situation, however, was such as to cause a special effort to be made to revise the old Defence of Canada Order, 1917, in the light of present-day conditions. The result of our work was duly submitted to the Government in the form of a draft "Defence of Canada Order, 1938."

#### *9. Defence of Canada Regulations*

During the past nine months we have been able to obtain the considered views of the Departments primarily concerned and to compile a completely revised set of regulations which we beg leave to submit with this report. Occasion has also been taken to recast the arrangement of the previous Defence of Canada Orders and to classify each proposed regulation under an appropriate head. None of the essential provisions of the former Defence of Canada Order

has been omitted while new regulations considered necessary to meet the needs of the day have been incorporated. Moreover, the drafting of the Regulations has been completely revised.

#### *10. Draft Reports to Council Submitted by Other Interdepartmental Committees*

At a meeting held on 19th January, 1939, the Committee on Defence Co-ordination agreed that the draft Reports to Council which accompanied the reports submitted by several of the other interdepartmental Committees which had been set up pursuant to the terms of Minute of Council (P.C. 531) referred to at the outset of this report might, with advantage, be referred to the Committee on Emergency Legislation for consideration and revision if necessary. As a consequence we have been furnished with copies of the draft Reports to Council appended to the reports of the Committee on the Treatment of Aliens and Alien Property as well as of that on the Treatment of Ships and Aircraft. We have also had referred to us the draft of a Report to Council drawn up by the Committee on Censorship and, in addition, copies of others prepared by the Department of National Defence in the course of its ordinary business of defensive preparation. We have duly considered these several drafts and have here and there suggested such revision as to form as has seemed to us desirable. During the course of this task, however, suggestion was made that the scope of the proposed Defence of Canada Regulations might with advantage be extended so as to include therein the provisions of as many of the above-mentioned draft Reports to Council as might affect the general public. As we are of opinion that one comprehensive set of Regulations, divided into appropriate chapters, conveniently indexed and given a wide distribution, would materially facilitate the administration of the provisions contained therein, the suggestion commended itself to the Committee and action to this end has been duly taken. As a result the position is, as is noted in the proposed provisional Government War Book which we understand is shortly to be submitted by the Committee on Defence Co-ordination, that the said Reports to Council are held in readiness for separate submission in the event of an emergency suddenly arising but that should the Government approve of the accompanying Defence of Canada Regulations the need for their retention as separate instruments will no longer exist.

#### *11. Approval of Regulations in Principle*

The draft Defence of Canada Regulations submitted herewith will obviously be required only in time of war or other grave emergency. It may be observed, however, that they comprise upwards

of some seventy separate regulations many, if not most of which, will require to be enforced from one end of Canada to the other as and from the first day of War. In addition as a number of the said regulations have been drafted so as to confer certain powers on the Ministers respectively concerned to prescribe by order certain courses of action, it follows that it is extremely desirable, if indeed it is not essential, that the several Departments be made aware of the powers they will be in a position to exercise under the circumstances contemplated and given the opportunity to make in advance the necessary administrative arrangements to this end. We have carefully considered this question, which we feel to be of considerable importance, and to insure that this matter be satisfactorily dealt with in advance of an emergency, we recommend that the Government approve the Regulations in principle, (subject of course to such amendment or revision as may be considered desirable) and authorize their being printed and distributed to the officers of the Government Service who will be primarily concerned with their administration. It is to be emphasized, however, that the printed Regulations can have no force of law until such time as (a) a situation has arisen which would enable the provisions of the War Measures Act to be invoked and (b) the Government of the day has reached a decision that the measures contained therein be duly put into effect by Order in Council.

## 12. *Modification of Regulations*

In submitting this draft, however, we desire to invite attention to two general considerations.

- (a) The Defence of Canada Regulations cannot be regarded as final. The defence plans of the Departments are necessarily subject to modifications in the light of changing circumstances, and although the draft represents the present views of all the Departments concerned, it is certain that as the situation changes it will become necessary from time to time to add new regulations and to modify the terms of some of those already included in the attached draft.
- (b) It is, of course, possible that not all of these Regulations would be required in the opening stages of a war. The aim of the Committee has been to produce a comprehensive set of regulations from which, in an emergency, the Government of the day could select those required to meet the situation existing at that time. Other regulations could be introduced later as the situation developed.

### 13. *Restriction and Detention Orders*

The Committee unanimously recommend all regulations except No. 21. As to the necessity of including this regulation, there is a difference of opinion. The regulation provides, *inter alia*, that the Minister of Justice if satisfied that any person is about to engage in activities prejudicial to the public safety or the safety of the State, may make an order directing that such person be detained in such place and under such conditions as the Minister may from time to time determine and imposing upon such person such restrictions as may be specified in the order of the Minister, and that any person while detained by virtue of an order made under the provisions of the regulation shall be deemed to be in legal custody.

It is felt by some members of the Committee that persons of hostile internationalist affiliations may attempt to impede the war effort of the nation by the dissemination of news or propaganda or by other means and that it is therefore necessary to provide for a means of taking swift and effective action against such persons whether they be British subjects or aliens. Other members of the Committee are not prepared at present to recommend the adoption of such a regulation as they feel that it is an unnecessary interference with the liberty of the subject.

In the attached draft Regulations, regulations 21 and 22 (regulation 22 deals with appeals) have been marked with a black line in the margin to draw attention to the fact that it will be necessary for the Cabinet to consider whether such a wide power should be assumed by the Executive and also whether it is expedient to introduce this regulation at the outset of an emergency or whether its introduction should be postponed until it is known how the situation will develop.

### 14. *Summary of Recommendations*

To facilitate reference we submit a summary of our recommendations as follows:

- (a) That the Government be invited to approve in principle the draft Defence of Canada Regulations submitted herewith.
- (b) That the Government approve that the said Regulations be immediately printed and distributed to such officers in the Government Service as will be required to administer them in case of need.

Signed on behalf of the Committee.

(Signed) C. P. PLAXTON,  
*Chairman.*

OTTAWA, July, 1939.

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

The third day of September, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Prime Minister of the United Kingdom has to-day announced that following the failure of the German Government to give an undertaking to withdraw their troops from Poland, the United Kingdom is at war with Germany.

WHEREAS on September the 1st, 1939, the Government of Canada announced that in the event of the United Kingdom becoming engaged in war in the effort to resist aggression, the Government of Canada had unanimously decided as soon as Parliament meets to seek its authority for effective co-operation by Canada at the side of Britain, and that meanwhile necessary measures would continue to be taken for the defence of Canada, consultations with the United Kingdom would be continued and in the light of all the information at its disposal, the Government would recommend to Parliament the measures which it believed to be the most effective for co-operation and defence.

AND WHEREAS under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, it is provided that the Governor in Council may do and authorize such acts and things and may make from time to time such orders and regulations as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

AND WHEREAS in view of the existence of a state of apprehended war a proclamation under the said War Measures Act was issued on September the 1st, 1939, and measures for the defence of Canada have been and are continuing to be taken thereunder.

Now, THEREFORE, in order that the Government of Canada may be enabled to take such further action as may in the present emergency be necessary, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act is pleased to make the Regulations attached, being the Defence of Canada Regulations, numbered 1 to 64, inclusive, and they are hereby made and established accordingly.

H. W. LOTHROP,  
Assistant Clerk of the Privy Council.

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# DEFENCE OF CANADA REGULATIONS

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His Excellency the Governor General, under and by virtue of the power vested in him by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and by and with the advice of the King's Privy Council for Canada, is pleased to make the following Regulations, the whole to be known as the "Defence of Canada Regulations," and the same are hereby made and enacted accordingly, namely:—

## PART I

### GENERAL

1. The ordinary avocations of life and the enjoyment of property will be interfered with as little as may be permitted by the exigencies of the measures which may be required to be taken for securing the public safety and the defence of Canada.

The Departments of the Government, officers thereof, and other persons executing the following Regulations, shall observe this general principle.

2. (1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- (a) "aircraft" means all machines which can derive support in the atmosphere from reactions of the air.
- (b) "ammunition" includes ammunition for any firearm, grenades, bombs and other like missiles whether capable of use with a firearm or not.
- (c) "enemy alien" means a person who, not being a British subject, possesses the nationality of a State at war with His Majesty.
- (d) "essential services" means such services as may for the time being be declared by the Governor in Council to be essential for the prosecution of the war or to the life of the community.
- (e) "explosive" includes gun powder, blasting powder, nitroglycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or other

metals, coloured fires, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, fog and other signals, and every other adaptation or preparation of an explosive as above defined.

- (f) "munitions of war" means arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof.
- (g) "radio" means and includes radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves.
- (h) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of any provincial police force of a like or superior rank; the chief constable of any city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council.
- (i) "ship" and "vessel" have respectively the same meanings as in the Canada Shipping Act, 1934.
- (j) "war offence" means—
  - (i) treason in so far as it consists in adhering to the King's enemies, giving them aid and comfort;
  - (ii) an offence under any of the provisions of The Official Secrets Act;
  - (iii) an offence against any of these Regulations;
  - (iv) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any of the offences specified in clauses (i) to (iii) of this paragraph.

(2) For the purposes of these Regulations, the person for the time being in charge of any vessel or aircraft shall be deemed to be the master of the vessel or the pilot of the aircraft, as the case may be.

(3) Nothing in these Regulations shall restrict the doing of anything by any servant of His Majesty or by any constable, acting in the course of his duty as such.

## PART II

### ESPIONAGE AND ACTS LIKELY TO ASSIST THE ENEMY

#### ACCESS TO CERTAIN PREMISES AND AREAS

3. (1) If, as respects any premises, it appears to the Minister of Justice to be necessary or expedient, in the interests of the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place."

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority by whom the order was made or by, or on behalf of, the authority or person granting the permission; and any constable, any person acting on behalf of His Majesty, or any person authorized in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by any constable, any person acting on behalf of His Majesty, or any person authorized in that behalf by the occupier of the premises.

(4) The Official Secrets Act shall have effect as if references therein to a prohibited place included references to a protected place.

Protected areas.

4. (1) Without prejudice to any other of these Regulations, the Minister of Justice, if satisfied that it is necessary or expedient, in the interests of the safety of the State or the efficient prosecution of the war, to regulate the entry of persons into any area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area."

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the directions of any constable or any member of His Majesty's forces on duty in the area.

Controlled areas.

5. Without prejudice to any other of these Regulations, the Minister of National Defence may, as respects any area in relation to which it appears to him to be necessary to take special precautions owing to the presence in that area of members of His Majesty's forces or munitions of war, make such by-laws regulating the conduct of persons in the said area as may be necessary for the protection of

persons and property in that area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and such by-laws may make provision for restricting access to that area, and for removing therefrom any person who is therein in contravention of the by-laws.

6. (1) No person shall—

(a) trespass on or near any premises to which this Regulation primarily applies, or Trespassing and loitering.

(b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or the safety of the State, be in, or near, any premises to which this Regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or near, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or the safety of the State.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies or of any such vehicle, vessel or aircraft as afore-

said, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for the defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

(5) In this Regulation the expression “the appropriate person” means—

- (a) any person acting on behalf of His Majesty,
- (b) any constable,
- (c) the person occupying the premises or being in charge of the vehicle, vessel or aircraft, as the case may be, or any person authorized by him.

Prohibition  
against  
trespassing  
on certain  
property.

7. (1) No person shall trespass on any railway.

(2) No person shall loiter on or under or near any tunnel, bridge, viaduct or culvert.

Control of  
highways  
over or  
near  
defence  
works and  
protected  
places.

8. The Minister of National Defence, if he considers it necessary in the interests of the safety of the State so to do, may by order provide for the stopping up or diversion of any highway passing through any protected place or works of defence, or through any land adjoining any such place or works, and for prohibiting or restricting the exercise of any right of way over, or the use of any waterway passing through, any such place, works or land as aforesaid.

#### CONTROL OF MEANS OF COMMUNICATION

Signalling  
to foreign  
vessels and  
aircraft.

9. Subject to any exemptions for which provision may be made by order of the Minister of Transport, no person shall make any signal (either visually or by means of sound) to any foreign vessel or foreign aircraft;

Provided that the preceding provisions of this Regulation shall not restrict the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

10. Subject to any exemptions for which provisions may be made by order of the Minister of Transport no person shall, except with permission granted by or on behalf of a senior police officer have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the safety of the State:

Provided that the preceding provisions of this Regulation shall not apply—

- (a) in relation to any radio apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

11. (1) No person shall establish any radio station, as <sup>Radio.</sup> defined in The Radio Act, 1938, or install, operate or have in his possession any radio apparatus at any place in Canada or on any ship or aircraft registered in Canada, except under and in accordance with a licence granted in that behalf by the Minister of Transport.

(2) Notwithstanding anything in The Radio Act, 1938, or in the Canada Shipping Act, 1934, or in any regulation issued under such Acts, the Minister of Transport may in his discretion cancel or suspend any licence issued on his behalf in respect of any radio station established on land or on any vehicle in Canada, or on any ship or aircraft registered in Canada, and may control the transmission of messages by such stations, or the working of any radio apparatus used therein in any manner he may deem expedient:

Provided that such cancellation or suspension of a licence shall not render the former licensee liable in any manner for retaining in his or her possession contrary to Section 5 of The Radio Act, 1938, the radio apparatus employed in the station for which such licence was previously in force, on condition that the said equipment is dismantled in such a manner as may be prescribed by the said Minister or any person authorized by him.

(3) Any person duly authorized by the Minister of Transport may take such steps and use such force as may

appear to that person to be reasonably necessary for securing compliance with any of the preceding paragraphs of this Regulation where a contravention of such has occurred, and for enabling proceedings in respect of such contravention to be effectually taken.

Means of  
secret  
communica-  
tion.

12. (1) No person shall knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Canada:—

- (a) Any instructions for utilizing any means of secretly conveying, receiving or recording information
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilizing any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

- (a) to the possession of any code or cipher which is proved to be intended and used solely for commercial or other legitimate purposes, or

(b) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used.

13. (1) The appropriate Minister may:

Telegraph  
Censorship.

(a) Direct or cause the whole or part of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company or any radio apparatus in the possession or under the control of or on the premises of any individual or company, to be entered and possessed in the name of His Majesty, and on his behalf, and to be used for His Majesty's service, and subject thereto, for such ordinary service as the Minister may permit;

(b) Direct any person to assume entire or partial control of the transmission of messages by the cables, apparatus or wires of any such individual or company;

(c) Direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radio apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; the said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

(2) The appropriate Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages in pursuance of this Regulation, and may also require any person employed by or connected with any such company as is mentioned in this Regulation to subscribe to the oath appended hereunder:

In the matter of the War Measures Act  
and

In the matter of the Defence of Canada Regulations.

I, ..... of the .....  
of ..... in the ..... of .....  
....., DO SOLEMNLY SWEAR that I will not,  
(Occupation)

until relieved of this obligation by notice in writing from the Minister of ....., transmit or permit to be transmitted any message (by cable, radio, ordinary telegraph or telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada, unless I am satisfied on good and reasonable grounds that the said message contains no matter giving information such as is calculated to be or as might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject-matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to .....

Sworn before me at the ..... of .....,  
in the ..... of ....., this .....  
day of ....., A.D. 19....

(3) All persons who, in pursuance of this Regulation have entered, taken possession of or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in this Regulation, shall obey and conform to all such directions as may be issued by the appropriate Minister.

(4) Whenever in this Regulation the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a person, partnership and a body corporate.

(5) In this Regulation the expression "the appropriate Minister" means:

(a) With reference to the operations, offices, works or property of any cable company, and so far as con-

cerns trans-oceanic radio communications with reference to the operations, offices, works or property of any radiotelegraph company, and with reference to the offices, works or property of any land telegraph and telephone company from and to which cable and radio messages may be transmitted and received, the Minister of National Defence;

- (b) With reference to the operations, offices, works or property of any telegraph company or any telephone company in respect of land communications not forming part of the classes of communications hereinbefore in this paragraph mentioned, the Secretary of State of Canada; and
- (c) With reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station whether for transmission or reception, or both, which do not form part of any of the classes of telecommunication hereinbefore in this paragraph mentioned, the Minister of Transport.

14. (1) The Postmaster General may make provision by order for securing that mailable matter of any such description as may be specified in the order shall not be despatched by post from Canada to destinations outside Canada, except in accordance with the order.

(2) The Postmaster General may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Canada to any destination outside Canada otherwise than by post, or conveyed into Canada otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to leave Canada or arrives in Canada, which person is hereafter referred to as the "traveller" shall, if requested so to do by the appropriate officer,—

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;
- (b) produce any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the appropriate officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, he may search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where any person is found on any occasion in circumstances in which it is reasonable to suppose that he is communicating with or intends to communicate with a traveller, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found as they apply in relation to the traveller; and where any person is on any occasion found travelling to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if he on being so found had been a traveller.

**Censorship.** (5) The Postmaster General may by order make provision for the censorship of all mailable matter, or of any class or classes of such mailable matter, as may pass through or be dealt with in any way in the mails of Canada and the Postmaster General may appoint a Director of Postal Censorship to carry out the purposes of this Regulation.

(6) Where there is declared or produced to the appropriate officer in compliance with this Regulation, or discovered by the appropriate officer in circumstances in

which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take such steps (including subjection of the article to the process of development) as may be reasonably necessary for enabling the appropriate officer to ascertain whether or not it has been so exposed.

(7) In this Regulation—

- (a) the expression "mailable matter" has the same meaning as in the Post Office Act, Chapter 161, R.S. of Canada, 1927;
- (b) the expression "photographs" includes any photographic plates, photographic films or other sensitized articles which have been exposed in a camera, whether they have been developed or not; and
- (c) the expression "the appropriate officer" means any officer of the Post Office or Customs and Excise, any immigration officer or any constable.

15. (1) The Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in such order.

(2) Where any person is convicted on indictment of an offence against this Regulation by reason of his having published a newspaper, the court may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in Canada.

## (3) In this Regulation—

- (a) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (b) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds, in connection with the exhibition of the film as aforesaid; and
- (c) the expression "newspaper" includes any journal, magazine or other periodical publication.

## SAFEGUARDING INFORMATION USEFUL TO THE ENEMY

General provisions for safe-guarding information.

16. No person shall, in any manner likely to prejudice the safety of the State or the efficient prosecution of the war, obtain, record, communicate to any other person, publish, or have in his possession any document or other record whatsoever containing, or conveying any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of his Majesty's forces, vessels or aircraft;
- (c) any measures for the defence or fortification of any place on behalf of His Majesty;
- (d) the number, description or location of any prisoners of war;
- (e) munitions of war;
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with enemy agents.

17. No person shall communicate or associate with any other person if he has reasonable cause to believe that such other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communica-

tion or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to the public safety or the safety of the State.

18. (1) Subject to any exemptions for which provision may be made by order of a competent authority, no person shall, except under the authority of a written permit granted by or on behalf of a competent authority make or publish any photograph, sketch, plan or other representation—

- (a) of a protected place, or of any part of or object in a protected place, or of an object of any such description as may be specified by order of a competent authority, or
- (b) of, or of any part of or object in, any area in Canada as may be specified by order of a competent authority, being an area in relation to which the restriction of photography appears to that competent authority to be expedient in the interests of the safety of the State.

(2) A competent authority may make such orders, and any person acting on behalf of a competent authority may give such special directions, as the said authority or person thinks necessary for securing that photographs, sketches, plans or other representations made under the authority of a permit granted in pursuance of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order or directions, as the case may be; and a competent authority, or any person acting on its behalf, may, if that authority or person thinks it necessary in the interests of the safety of the State so to do, retain or destroy or otherwise dispose of, anything submitted as aforesaid.

(3) For the purposes of this Regulation, "a competent authority" shall mean the Minister of Justice or the Minister of National Defence.

19. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Commissioner of Patents, for the grant of a patent or the registration of a design, the said Commissioner, if

satisfied, on the advice of the Minister of National Defence that it is expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may, notwithstanding anything in any Act, omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by, or on behalf of, the Commissioner of Patents, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Minister of National Defence, if it appears to him to be necessary or expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown the Minister of National Defence may authorize the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of the safety of the State or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any

licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorization, shall be inoperative.

(6) In addition to any other penalty which may be imposed, the Commissioner of Patents, with the approval of the Secretary of State of Canada, may, in his absolute discretion subject to such terms and conditions as he may think fit, order the avoidance or suspension in whole or in part of any patent or licence, the person entitled to the benefit of which either is the subject of any State at war with His Majesty or has contravened any provision of this Regulation or any order of the Commissioner of Patents issued under the authority of this Regulation:

Provided always that the Commissioner may at any time, with the approval of the Secretary of State of Canada, in his absolute discretion revoke any avoidance or suspension of any patent or licence ordered by him.

#### RESTRICTIONS ON MOVEMENTS AND ACTIVITIES OF PERSONS

20. (1) Except in due course of operations of war, no person, being either a British subject or a person enjoying His Majesty's protection, shall, without the permission of the Secretary of State for External Affairs or of a person authorized by him to grant permissions for the purpose of this Regulation, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty.

(2) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of an allied or associated Power.

21. (1) The Minister of Justice, if satisfied, that with a view to preventing any particular person, from acting in any manner prejudicial to the public safety or the safety of the State it is necessary so to do, may, notwithstanding anything in these Regulations, make an order:—

Restriction  
orders and  
detention  
orders.

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business; in respect of his movements or place of residence, in respect of his association or communication with other persons, or in respect of his activities in relation to the dissemination of news or the propagation of opinions;
- (c) directing that he be detained in such place, and under such conditions, as the Minister of Justice may from time to time determine;

and any person shall, while detained by virtue of an order made under this paragraph, be deemed to be in legal custody.

(2) If any person is in any place or area in contravention of an order made under this Regulation, or fails to leave any place or area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that place or area by any constable or by any person acting on behalf of His Majesty.

22. (1) For the purposes of the preceding Regulation, there shall be one or more advisory committees consisting of persons appointed by the Minister of Justice, and the chairman of any such committee shall be a person who holds or has held high judicial office.

(2) The functions of any such committee shall be to consider, and make recommendations to the Minister of Justice with respect to, any objections against an order under the preceding Regulation which are duly made to the committee by the person to whom the order relates.

(3) The Minister of Justice may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under the preceding Regulation to make objections against the order either in person or by counsel, solicitor or agent; and it shall be the duty of the Minister of Justice to secure that every such person is informed of his right to make objections under this Regulation.

23. (1) No person shall—Prisoners  
of war, etc.

- (a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or
- (b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

(2) The Secretary of State of Canada may by order provide—

- (a) for regulating access to, and the conduct of persons in, places in Canada where prisoners of war are detained, and for prohibiting or regulating the dispatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
- (b) for prescribing conditions to be observed in connection with the employment of, or the provision of board or lodging for, prisoners of war in Canada while elsewhere than in places for the detention of prisoners of war.

(3) No proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

#### ENEMY ALIENS

24. (1) All enemy aliens in Canada, so long as they <sup>Arrest,  
detention  
and  
internment.</sup> peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful and law abiding citizens, and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless there is reasonable ground to believe that they are engaged in espionage, or are engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, Order in Council, or Proclamation.

(2) All enemy aliens who—

- (a) are members of enemy armed forces and who attempt to leave Canada;

- (b) attempt to leave Canada, and in regard to whom there is reasonable ground to believe that their attempted departure is with a view to assisting the enemy;
- (c) are engaged or who attempt to engage in espionage or acts of a hostile nature, or who give or who attempt to give information to the enemy, or who assist or attempt to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts;

shall be arrested and detained.

(3) The power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) of this Regulation shall be vested in the Commissioner, officers and constables of the Royal Canadian Mounted Police and in such other persons as may be authorized so to do by the Commissioner of the Royal Canadian Mounted Police.

(4) The authorities and officers mentioned in paragraph (3) of this Regulation shall be authorized to release any such person so arrested or detained as aforesaid of whose good faith and responsibility they may be satisfied on his signing an undertaking in the form following:

#### UNDERTAKING

I, ..... at present of ....., in the Province of ....., in the Dominion of Canada, do hereby declare that I am a ..... subject ..... citizen.

I now, in consideration of my release or exemption from detention as a subject of ....., hereby under-  
citizen

take and promise that I will report to such officer or official and upon such terms as the Canadian authorities may from time to time prescribe; that I will carefully observe and obey the laws of Canada and such rules or regulations as may specially be prescribed for my conduct by competent authority; that I will strictly abstain from taking up arms against and from doing any act of hostility towards the Government of this country, and that, except with the permission of the officer or official under whose

surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information concerning the existing war or the movement of troops or the military preparations which the authorities of Canada, or the United Kingdom or any of His Majesty's dominions or any allied or associated Power may make, or concerning the resources of Canada, and that I will do no act and will not encourage the doing of any act which might be of injury to the Dominion of Canada or the United Kingdom or any of His Majesty's dominions or any allied or associated Power.

Dated this ..... day of .....

Witness:.....

Signature:.....

(5) Any such person so arrested and detained as aforesaid, of whose good faith and responsibility the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking or who, having signed such undertaking, fails to abide by its terms, shall be interned as a prisoner of war in such place as may be provided by the Department of National Defence; and, if it be deemed necessary that guards be placed on persons so interned, such guards shall be furnished by the Department of National Defence. Pending internment any such person may be confined without warrant in any police station, lock-up or gaol, and the keeper or person in control of such police station, lock-up or gaol shall take and safely keep any such person so committed until he is interned or released.

(6) All such authorities and officers who may exercise any of the powers prescribed in this Regulation shall report in each case to the Commissioner, Royal Canadian Mounted Police, stating the name, address and occupation of the person detained or paroled, the date and place of detention and generally the circumstances of the arrest and detention and all such information as may be necessary or useful for the purposes of record and identification.

(7) On the coming into force of this Regulation public notice thereof shall forthwith be given by Proclamation.

25. (1) One or more offices of registration shall be established, in such cities, towns and other places as may be from time to time be designated by the Minister of Registration and internment.

Justice and officers shall be appointed by the Minister of Justice for each of the offices so established, who shall be called Registrars of Enemy Aliens, hereinafter referred to as "Registrars." For that purpose, members of the public service of Canada, including the Royal Canadian Mounted Police and Postmasters, and of the Provincial and Municipal public services and police, may, with the concurrence of the appropriate authority, be appointed.

(2) The Registrars shall be under the immediate direction of an officer who shall be appointed by the Governor in Council and who shall be called Registrar General of Enemy Aliens, hereinafter referred to as the "Registrar General," and who shall be responsible to and shall report to the Minister of Justice. The Registrar General, subject to the approval and directions of the Minister of Justice, may appoint such assistants to such Registrars, clerks and other officers, as may be necessary for the proper carrying out of the provisions of this Regulation.

(3) The Registrar General shall, subject to the directions and approval of the Minister of Justice, have authority to make provisions for a Central Registry at Ottawa and, if necessary, for regional registries and for co-ordination of registration, and generally to carry out the true intent and purpose of this Regulation.

(4) It shall be the duty of a Registrar to examine each enemy alien attending before him and to register in a book, to be provided for the purpose, the name, age, nationality, place of residence in Canada and in the country of nationality, occupation, desire or intention to leave Canada, the names of the wife and children, if any, in Canada of every such alien, and such other particulars necessary for identification of such enemy alien or otherwise as may to the Registrar seem advisable. Provision may be made by the Registrar General for the issue to each enemy alien registered in accordance with the provisions of this Regulation of an identification document for which a fee sufficient to cover the cost thereof may be charged.

(5) Every enemy alien shall, as soon as possible after the publication in the *Canada Gazette* of a notice designating an area as one wherein a Registry Office is to be established under this Regulation, attend before the

Registrar or one of the Registrars in the city, town or place within or nearest to which he is or resides, and truly answer such questions with regard to the matters referred to in paragraph (4) of this Regulation as may be put to him by the Registrar.

(6) No enemy alien shall be permitted to leave Canada without an exeat from the Registrar General, but the Commissioner of the Royal Canadian Mounted Police may in any case grant or cancel the exeat to an enemy alien who has been registered.

(7) The Registrar General may issue an exeat to an enemy alien if he is satisfied upon the examination and registry and report of a Registrar that such enemy alien will not materially assist by active service, information, or otherwise, the forces of the enemy. The exeat shall be endorsed upon the identification document in any case in which such a document has been issued or is to be issued to an enemy alien.

(8) If it appears to the Registrar that any enemy alien who is not permitted to leave Canada or who having been permitted to leave Canada has not left Canada pursuant to such permission may consistently with the public safety be suffered to remain at large, such enemy alien shall be required to give an undertaking in such form as is prescribed in the preceding Regulation. If such enemy alien has not given, and refuses to give such an undertaking, he shall be interned as a prisoner of war. The Registrar shall report immediately to the nearest Chief of Police and to the nearest Royal Canadian Mounted Police station and to the Registrar General, the names and addresses of those who are permitted to remain at liberty. Any enemy alien who in the judgment of the Registrar cannot consistently with the public safety be allowed at large shall be interned as a prisoner of war and any enemy alien who has been allowed at large by a Registrar may, upon the order of the Minister of Justice if in his judgment such alien cannot consistently with the public safety be allowed at large, be interned as a prisoner of war.

(9) If any enemy alien who is by the terms of this Regulation required to register, fails to do so within one month of the notice referred to in paragraph (5) of this

Regulation or within seven days after the date when he shall by reason of his residence come within the description of those required to register, whichever date shall be last, or if he refuse or fail to answer truly any of the questions put by the Registrar, or if being registered he fail to report as hereinbefore required or to observe any of the conditions upon which he is permitted to be at liberty, he shall, in addition to any other penalty to which he may therefor by law be liable, be interned as a prisoner of war.

(10) If any enemy alien interned under the provisions of these Regulations has a wife or children living with or dependent upon him, such dependents may be permitted to accompany him.

Provision  
for appeal.

26. (1) Any enemy alien who has been interned under the provisions of this Part, may within thirty days of such internment, appeal against such internment to the nearest person designated by the Minister of Justice for the purpose of hearing such appeals, hereinafter referred to as "the Tribunal."

(2) A written notice of appeal signed by the appellant shall be filed with the Tribunal by the person having the custody of such appellant, who shall transmit a copy thereof to the Registrar General of Enemy Aliens.

(3) The Tribunal hearing any such appeals shall give such directions as may be necessary for the prompt and just disposition of the appeal. The appeal shall be by way of rehearing and all relevant evidence may be considered.

(4) The Tribunal hearing any such appeal may, if it is satisfied that it would be consistent with the public safety and expedient in the public interest that the appellant should be set at liberty, recommend to the Minister of Justice the appellant's release.

(5) The release of the appellant, after the finding of the Tribunal, shall be in the absolute discretion of the Minister of Justice and he may, with or without assigning any reason, order the release of the appellant or order the continued or further internment of the appellant for such period of time as he may think proper.

(6) In the identification document of any enemy alien dealt with under the provisions of this Regulation an entry

shall be made of the action taken with respect to him and notice of such action shall be given to the Registrar General of Enemy Aliens.

(7) Nothing in this and the two preceding Regulations shall prevent the Minister of Justice from ordering the release of any enemy alien from arrest, detention or internment, or from ordering the arrest, detention or internment of any enemy alien.

(8) A copy of this Regulation shall be posted in a conspicuous place in every place of internment.

#### SABOTAGE AND MISREPRESENTATION

27. (1) No person shall do any act with intent to impair **Sabotage.** the efficiency or impede the working of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used for the purposes of any of His Majesty's forces, or for any undertaking engaged in the performance of essential services:

The preceding provisions of this paragraph shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

28. No person shall knowingly—

- (a) cause interference with the sending or receiving of **Interference with telegraphic communications.** communications by means of radio, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

29. No person shall—

- (a) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or **Interference with His Majesty's forces, etc.**
- (b) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby

to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

Provided that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Misleading  
acts and  
misrepre-  
sentation.

30. (1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services.
- (b) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the safety of the State or the securing of the public safety, or
- (c) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorized by or on behalf of the Minister of National Defence, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such signal, or
- (d) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the safety of the State or the securing of the public safety:

(2) In this Regulation the expression “ defence signal ” means any signal authorized by or on behalf of the Minister

of National Defence to be used for any purpose connected with the safety of the State or the securing of the public safety.

31. No person shall be in possession of a false passport or, being a subject of a Sovereign or State at war with His Majesty, shall pass under an assumed name. False passports, etc.

### PART III

#### PUBLIC SAFETY AND ORDER

32. The Minister of National Defence or any person authorized by him to act under this Regulation, may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons or property from the dangers involved in such attack, make as respects any area in Canada, an Order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified. Evacuation of areas.

33. (1) The Minister of National Defence or the Minister of Pensions and National Health may by order prescribe the steps which are to be taken by persons in Canada to protect themselves against the dangers involved in an attack by the enemy, and any such order may provide that, upon the giving of any such notice or signal as may be specified in the order, any persons or classes of persons may, in such circumstances and subject to such conditions (if any) as may be specified in the order, enter and remain in any such premises or parts of premises as may be designated in such manner, and by such authority or person, as may be so specified. Precautions against hostile attack.

(2) No person shall—

- (a) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with an order made under paragraph (1) of this Regulation, or
- (b) eject from any premises or part of any premises any person who is entitled to be therein by virtue of such an order.

(3) Either of the said Ministers may by order prohibit or restrict, or empower a senior police officer to prohibit or restrict, assemblies of persons in any area in Canada, either generally or for particular purposes, in so far as such prohibition or restriction appears to the Minister to be necessary in order to minimize the risk of loss of life or personal injuries being caused in that area in consequence of any attack by the enemy; and any constable may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

Damage to premises and contamination by gas.

34. (1) Where, as respects any premises, it appears to any senior police officer or to any person authorized by the Minister of National Defence or the Minister of Pensions and National Health to act under this paragraph, that by reason of the fact—

- (a) that substantial damage has occurred in those premises, or
- (b) that works of demolition or construction are being, or are about to be, executed in the premises, or
- (c) that, in consequence of hostile action, the premises are contaminated by any lethal gas or other noxious substance,

it is expedient in the interests of the public safety, the safety of the State or the maintenance of public order so to do, the said officer or person may take, or authorize the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by the preceding provisions of this Regulation include powers to stop up, and to prohibit or restrict the use of, any highway, and to prohibit or restrict the occupation of premises, so far as may be necessary for the said purpose.

(2) Any person authorized to act under this Regulation may, if satisfied with respect to any chattel that, in consequence of hostile action, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do,—

- (a) cause to be taken in relation to the chattel all such steps as may be reasonably necessary to render it free from the contamination, or
- (b) if it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

35. (1) The Minister of National Defence or any person authorized by him to act under this Regulation may by order provide—

- (a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;
- (b) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;
- (c) for prohibiting or regulating such activities as may be specified in the order, being activities which, by reason of their involving the emission of flames, sparks or glare or the making of noise, might, in the opinion of the said Minister, serve to convey information useful to the enemy or otherwise interfere with measures taken for the safety of the State.

Any such order may be made so as to apply to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Minister of National Defence to be necessary or expedient for the purposes of the order.

(2) If any order made under this Regulation is contravened or not complied with in the case of any premises,

vehicle or vessel, any constable and any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation;

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

Power to require inhabitants to remain indoors.

36. The Minister of National Defence or any person authorized by him to act under this Regulation may by order require every person within an area specified in the order to remain within doors between such hours as may be specified in the order and in such case, no person within that area shall remain out between such hours without a permit in writing from a person authorized in the Order to issue such permits.

Explosives, ammunition and firearms.

37. (1) The Minister of Justice may by an order made as respects any specified area in Canada provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area in Canada as may be specified by order of the Minister of Justice, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearm or component parts of a firearm, shall

comply with such directions for securing the safe custody thereof as may be given by the senior police officer for the district in which the explosives, ammunition, firearm or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearm or component parts to such place in the first-mentioned area as may be specified in the directions.

If any directions given under this paragraph by a senior police officer are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

38. (1) If, as respects any premises in Canada used for producing, treating, handling or keeping any articles or substances, the Minister of Mines and Resources is satisfied that precautions should be taken against special risks arising from the nature of the articles or substances, he may by order make such provision as appears to him to be necessary or expedient for protecting persons and property in, or in the vicinity of, such premises against any such risks as aforesaid; and any such order may authorize the searching of persons entering or seeking to enter, or being within, any premises to which the order applies.

Manufacture  
and  
transport of  
dangerous  
articles.

(2) The appropriate Minister may by order make, in relation to the conveyance of any description of articles or substances specified in the order, such provision as appears to him to be necessary or expedient for protecting persons and property against special risks arising, in connection with such conveyance, by reason of the nature of those articles or substances.

For the purposes of this paragraph the expression "the appropriate Minister" means

- (a) as respects conveyance by railway, aircraft or vessel, the Minister of Transport;
- (b) as respects conveyance otherwise than by railway, aircraft or vessel, the Minister of Mines and Resources.

(3) In relation to any premises in the possession or under the control of the Department of National Defence, and in relation to any vehicle or vessel in the possession of the said Department, paragraphs (1) and (2) of this Regulation shall have effect as if for the references in those paragraphs to the Minister of Mines and Resources and the appropriate Minister, respectively, there were substituted references to the Minister of National Defence.

### PUBLIC ORDER

Causing  
disaffection.

39. No person shall by word of mouth:—

- (a) spread reports or make statements, false or otherwise, intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated Powers or to prejudice His Majesty's relations with foreign Powers, or
- (b) spread reports or make statements, false or otherwise, intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's forces.

### PART IV

#### SHIPS AND AIRCRAFT

General  
control of  
shipping.

40. (1) Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders as to the navigation and mooring of vessels as may be issued by, or on behalf of, the Minister of National Defence, and shall obey any orders given, whether by signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships or any naval, military or air force officer engaged in the defence of the coasts of Canada.

(2) Every vessel of Canadian registry or licence wheresoever it may be shall comply with such orders as to its navigation and mooring as may be issued by, or on behalf of, the Minister of National Defence and shall obey any orders given, whether by way of signal or otherwise, by

any officer in command of His Majesty's Canadian ships or of any other of His Majesty's ships, or by any naval, military or air force officer engaged in the defence of the coasts of Canada.

(3) If the master or other person in command or charge of such vessel fails to comply with or to obey any order issued or given under this Regulation, he shall be guilty of an offence against this Regulation.

41. (1) A transfer made on or after the date on which these Regulations come into force of a British ship registered in Canada, or of a share therein or of a mortgage thereof (including transfer of mortgage) to a person not qualified to own a British ship, or to a foreign-controlled company, shall not have any effect unless the transfer is approved by the Minister of Transport; and any person who makes, or purports to make, such a transfer after the coming into force of this Regulation without that approval shall be guilty of an indictable offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars or to both such imprisonment and fine.

Transfer  
of ships  
registered  
in Canada

(2) The expression "foreign-controlled company" means any corporation in respect of which

- (a) the majority of the directors, or persons occupying the position of directors by whatever name called, are not British subjects; or
- (b) the majority of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or
- (c) the control is by any other means whatever in the hands of persons who are not British subjects; or
- (d) the executive is a foreign-controlled company, or the majority of the executive are appointed by a foreign-controlled company.

A corporation shall not be deemed to be a British subject for the purposes of this Regulation unless it is established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate, and has its principal place of business therein.

(3) The Minister of Transport may require any person who is the owner or mortgagee of a British ship registered in Canada, or who applies to be registered as the owner or mortgagee of a British ship registered in Canada—to furnish to him such particulars as appear necessary to him for the purpose of ascertaining whether or not that person is, or is a trustee for, or otherwise represents, a foreign-controlled company, and, in the case of a corporation, may also require the secretary, or any other officer of the corporation performing the duties of secretary, to furnish those particulars.

If any person fails to supply such particulars as it is in his power to give when required, or furnishes particulars which are false in any material particular, he shall be guilty of an offence under this Regulation.

(4) Where, after the coming into force of this Regulation, any person who is the owner or mortgagee of a British ship registered in Canada, ceases to be a British subject or becomes a foreign-controlled company, that ship, or, in the case of a mortgagee of a ship, the interest of the mortgagee, shall be subject to forfeiture in accordance with the procedure provided in Part I of the Canada Shipping Act, 1934, as if it had become so subject under such Part.

(5) No application for the transfer of the registration of a British ship registered in Canada, from a port of registry in Canada to a port of registry outside of Canada, shall hereafter be made or granted without the written consent of the Minister of Transport.

(6) In this Regulation, unless the context otherwise requires, any reference to a ship shall include a reference to a share in a ship.

Issue of  
licences.

42. After the coming into force of the preceding Regulation no licence for a vessel not required to be registered under the Canada Shipping Act, 1934, shall be issued under sections 106 to 112 of that Act unless the issue thereof has been approved by the Minister of Transport, and no transfer of any interest in any such vessel shall be effective unless made by an instrument in writing approved by the Minister of Transport and filed with the Collector or other chief officer of the Customs at a port or place in Canada, or, in the case of a licensed vessel, at the port or place in Canada at which the licence of such vessel has been issued.

43. (1) Subject as hereinafter provided, the Minister of National Defence may, if it appears to him to be necessary or expedient for the safety of British ships registered in Canada and of persons on board such ships so to do, make provision by order—

- (a) for securing that any such ship to which the order applies shall not, except under permission granted by or on behalf of the Minister of National Defence, proceed to sea from any port (whether within or outside Canada) unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with;
- (b) for securing the proper maintenance and efficient use of any apparatus, contrivance or appliance with which any such ship is equipped in pursuance of the order;
- (c) for any incidental and supplementary matters for which it appears to the Minister of National Defence to be necessary or expedient for the purposes of the order to provide;

and an order under this Regulation may be made so as to apply either to a particular British ship registered in Canada or to such ships of a particular class, and so as to apply to any such ship or ships either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified in the order.

(2) If any such ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

44. (1) Without prejudice to any navigation order and subject to the provisions of this paragraph, the Minister of Transport may make provision by order for imposing in relation to any British ship registered in Canada to which the order applies, restrictions in respect of all or any of the following matters, that is to say:—

- (a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship;
- (b) the classes of cargoes or passengers which may be carried in the ship; and
- (c) the chartering of the ship, and the terms and conditions upon which cargoes or passengers may be carried in the ship;

and any such order may contain such incidental and supplementary provisions as appear to the Minister of Transport to be necessary or expedient for the purposes of the order, including provisions for securing that any ship to which the order applies shall not proceed to sea from any port (whether within or outside Canada) except under the authority of a licence granted by or on behalf of the said Minister, and for requiring any such ship to comply with any directions given on behalf of the said Minister as to the ports to which the ship is to proceed for any particular purposes.

Any provisions of an order under this paragraph may be framed so as to apply to all British ships registered in Canada or to any class of such ships or to any one of such ships, and so as to apply to any such ship or ships wherever it or they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

(2) If any such ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this

Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

45. Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned by, or on behalf of His Majesty, who in Canada deserts from his ship or absents himself therefrom without leave may, notwithstanding anything contained in the Canada Shipping Act, 1934, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having the management of the ship, any constable, or any commissioned officer in His Majesty's forces.

46. No seaman lawfully engaged to serve on board any ship belonging to, or chartered, or requisitioned by or on behalf of His Majesty, shall be absent from his ship, whether upon duty or otherwise, without a written pass which shall state the period of his authorized absence, duly signed by the master, mate, purser, or first engineer of his ship, and any such seaman so being absent without such a pass, or being found without the same in his possession, shall be guilty of an offence against this Regulation and shall moreover be subject to the exercise of the authority conferred by the next preceding Regulation, as if absent from his ship without leave.

47. Save and except as may be permitted by the Minister of Transport the navigation over Canada and Canadian waters, as defined by the Customs Act, of all aircraft other than aircraft exclusively employed in His Majesty's Service, is prohibited. The permission herein mentioned may extend to the navigation of all said aircraft, or of any specified aircraft, over Canada and Canadian waters, as so defined, or over any specified area or with respect to any time or any specified time.

## PART V

### ESSENTIAL SUPPLIES

Requisitioning of property other than land.

48. (1) Subject as hereinafter provided, the Minister of National Defence, hereinafter referred to as the Minister, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, may requisition—

- (a) any chattel in Canada (including any vessel or aircraft or any article on board a vessel or aircraft), and
- (b) any British ship or aircraft registered in Canada or any article on board such British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appears to him to be necessary or expedient in connection with the requisition:

Provided that the preceding provisions of this Regulation shall not authorize the requisitioning of any British ship or aircraft registered elsewhere than in Canada or of any foreign ship or aircraft or of anything on board such a ship or aircraft.

(2) If the Minister requisitions any property under this Regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Minister, if it appears to him to be necessary for the effectual exercise in his powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of Canada or any part thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which

the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

- (b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraphs (1) to (3) of this Regulation to any particular persons or class of persons.

49. (1) The Minister of Transport, or any person authorized by him may by order in writing direct that the <sup>Control of land</sup> ~~transport~~ control, management or operation of any railway, light railway, tramway or road transport, including any railway or road transport owned or controlled by His Majesty, be exercised and performed in such manner as the said Minister may think proper in the interests of the public safety, the safety of the State, or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community.

(2) The Minister of Transport, or any person authorized by him, may by order in writing give directions for prohibiting or restricting, within such area and for such period as may be specified in the order, the public use of any highway or railway, including any railway owned or controlled by His Majesty, so as to facilitate the movement on such highway or by such railway of His Majesty's forces or of war supplies.

50. Where—

- (a) the draft of a licence for the establishment of a <sup>Licensing of explosives factories.</sup> factory or magazine for gunpowder or other ex-

plosives is, in pursuance of the Explosives Act, submitted to the Minister of Mines and Resources by the applicant for the licence, or

(b) an application for an amending licence for the making of any alteration in such a factory or magazine is made to the said Minister in pursuance of the said Act,

the said Minister may, instead of taking any other steps which he is required by the said Act to take in respect of the application, grant the licence or amending licence, as the case may be, subject to such conditions, if any, as he may think proper, and any licence granted under this Regulation shall have effect for the purposes of the Explosives Act, as if it had been duly granted under that Act.

Handling  
and  
conveyance  
of  
ammunition,  
etc., in  
Canadian  
waters.

51. (1) The Minister of Transport may make such regulations as may be necessary for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances in any ports or in Canadian waters as defined in the Customs Act: Provided that no such regulation shall apply to the shipping, unshipping, handling or conveyance of ammunition, explosives or inflammable substances in any vessel or aircraft in the service of, or under the control of His Majesty.

(2) Any reference in this Regulation to shipping or to unshipping shall be construed as including a reference to putting on board aircraft or to unloading from aircraft, as the case may be.

## PART VI

### GENERAL AND SUPPLEMENTARY PROVISIONS

Power to  
obtain  
information.

52. Any person, if so required by an officer of His Majesty's naval, military or air forces, or by a sailor, soldier or airman engaged on sentry, patrol or other similar duty, shall stop and answer to the best of his ability and knowledge any questions which may be reasonably addressed to him.

Nothing in this Regulation shall be construed as giving any officer any power to stop or question any person, not

being a person subject to the Naval Service Act, or to military or air force law, unless such officer is acting in the performance of his duties.

53. (1) Any person by whom an order is made in pursuance of these Regulations or a person acting on behalf of such a person shall give public notice of the order in such manner as he may consider best adapted for informing persons affected by the order.

(2) Any constable or any member of His Majesty's naval, military or air forces or any person acting on behalf of the person issuing any such order as aforesaid, may affix any such notice to or cause it to be displayed on any premises, vehicle or vessel and may for such purposes enter any premises at any reasonable time during the day.

(3) No person except under lawful authority shall remove, alter, deface or obliterate any notice posted pursuant to the provisions of this Regulation.

54. If any person—

False statements.

- (a) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or
- (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by any of these Regulations or by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

55. No person shall obstruct any servant of His Majesty, or member of a fire brigade acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with the securing of the public safety or the safety of the State.

Restrictions  
on  
disclosing  
information.

56. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or by-law made under these Regulations, disclose that information except with permission granted by, or on behalf of, a Minister of the Crown.

Licences,  
permits,  
etc.

## ADMINISTRATIVE PROVISIONS

57. (1) Any person claiming to be the holder of any permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any constable or by any person acting on behalf of His Majesty, produce the permit, licence, certificate or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence, certificate or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any permit, licence, certificate or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Power to  
enter and  
search  
premises.

58. (1) If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorizing any senior police officer or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other constables or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or

on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any senior police officer or any person authorized by the Minister of Justice to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

- (a) that it is essential in the interests of the State that the premises should be searched for the purpose of obtaining that evidence, and
- (b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search in relation to the premises as might be conferred under paragraph (1) of this Regulation by the warrant of a Justice.

(3) No woman shall, in pursuance of a warrant issued under this Regulation, be searched except by a woman.

59. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any constable in uniform or by any member of His Majesty's forces being in uniform and on duty. Power to stop and search vehicles.

(2) If—

- (a) as respects any road vehicle being on a public highway or in a place to which the public have access, or
- (b) upon any occasion on which the person driving, or in control of, a road vehicle has been lawfully required to stop but has failed to do so.

any constable, or any member of His Majesty's forces acting in the course of his duty as such, has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may stop and search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

The powers conferred by this paragraph shall be in addition to, and not in derogation of, any of the powers conferred by the last preceding Regulation.

(3) In this Regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

Power to arrest without warrant.

60. Any constable, any member of His Majesty's forces acting in the course of his duty as such, or any person authorized by the Minister of Justice to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting of having committed a war offence.

#### OFFENCES AND LEGAL PROCEEDINGS

Attempts to commit offences, and assisting offenders.

61. (1) Any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Legal proceedings.

62. (1) For the purposes of the trial of a person for an offence against any of these Regulations, the offence shall be deemed to have been committed either at the place at which the same actually was committed, or at any place in Canada in which the offender may be found.

(2) In addition, and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence against any of these Regulations or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be likely to assist the enemy or to prejudice the public safety, the safety of the State or the efficient prosecution of the war, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect but the passing of sentence shall in any case take place in public.

(3) Where the person guilty of an offence against any <sup>Offences by</sup> ~~corporations~~ of these Regulations is a company or corporation, every <sup>corpora-</sup> ~~tions~~ person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

63. (1) Every person who contravenes or fails to comply <sup>Penalties.</sup> with any of these Regulations, or any order, rule, by-law, or direction, made or given under any of these Regulations, shall be guilty of an offence against that Regulation.

(2) Where no specific penalty is provided, such person shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney-General of Canada, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

64. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by posting it addressed to that person at his last or usual place of abode or place of business. <sup>Service of notices.</sup>

























